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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,964	10/16/2006	Markus Roth	A8647PCT-UT	7420
43749 7590 06/27/2008 CHRISTOPHER PARADIES, PH.D. FOWLER WHITE BOGGS BANKER, P.A. 501 E KENNEDY BLVD, STE. 1900 TAMPA, FL 33602				
EXAMINER				
GARCIA, ERNESTO				
ART UNIT		PAPER NUMBER		
3679				
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06/27/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/599,964

Applicant(s)

ROTH ET AL.

Examiner

ERNESTO GARCIA

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3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to because the other half of the receiver 5 in Figure 1 should be cross-hatched. Figures 1, 2, 4, and 6 contain extraneous text and should be deleted. In particular, the text "Fail-safe Pin" in Figure 1, "Force Flow" in Figure 2, "Position 1" and "Position 2" in Figures 4 and 6, and "Indicator" in Figure 6. The text "Z-direction" in Figure 1 should be just "Z". The other anchorage 52 in Figure 1 should be labeled. The cross-hatching of the receiver 5 in Figures 1, 2, 4, and 5 should be shown for an elastically deformable soft material, i.e., elastomer (claim 9). Currently, the receiver is shown being made of metal. The double arrowed line in Figure 2 should be identified with a reference character. The horizontal line at the bottom of the cylindrical body should not be there since the view is a cross-sectional view. Figure 2 fails to show the recess 53 of the cylindrical body 56. In Figure 3, reference character "66" in Figure 3 should be "6" since the plane of the cross-section crosses the shank of the pin 6 rather than the base 66. Further, everything in Figure 3 should be cross-hatched since the plane III-III crosses all components. The top line of the pin 6 should be drawn with a wave to indicate that it continuous rather than showing the pin without the ball.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "1" has been used to designate both a structure (Figure 1) and a first position (Figure 4).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "2" has been used to designate both a trim (Figure 1) and a second position (Figure 4).

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the dish-shaped component (claim 2, line 1) and the insertion pin 6 having a screw thread (claim 4) must be shown or the features canceled from the claim. No new matter should be entered.

Applicant should note that different positions of components are depicted with an outline using hidden lines.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement

sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1 and 5 are objected to because of the following informalities:
regarding claim 1, the second occurrence of "a" in line 11 should be --the--; and,
regarding claim 5, the second occurrence of "pin" in line 2 should be --part--.
Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, there is an inconsistency between the language in the preamble and a certain portion in the body of the claim, thereby making the scope of the claim unclear. The preamble clearly indicated that the connection element is "for attaching a planiform or dish-shaped component to a supporting structure having a retainer mounted thereon". However, the body of the claim positively recites "the component", "the structure", and "the retainer", e.g., "a holder coupled to the component" (line 5), "a receiver coupled to the structure" (line 9), "the retainer mounted on the structure" (lines 16-17), which indicates that the claims are being drawn to a combination of the "connection element" and the "component", the "structure", and the "retainer mounted on the structure". Accordingly, is the combination or subcombination being claimed? Appropriate correction, clarification, or both is required. For purposes of this Office action, the examiner has considered the component, the structure, and the retainer mounted on the structure as part of the connection element.

Regarding claims 2-10, the claims depend from claim 1 and therefore are indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 7, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by anticipated by claim Krauss, DE-10,053,200.

Regarding claim 1, Krauss discloses, in Figure 1, a connection element comprising a planiform component **48**, a supporting structure **20**, a holder **14**, a receiver **12**, and an insertion pin **16**. The supporting structure **20** has a retainer **21**. The holder **14** is coupled to the component **48**. The insertion pin **16** is held by the holder **14** and the insertion pin **16** is adjustable in at least a Z-translational direction in relation to a surface of the component **48**. The insertion pin **16** mates to the receiver **12** coupled to the structure **20**. The insertion pin **16** has a trunnion portion **28**. The receiver **12** is of an elastically deformable soft material and has a first recess **22**. The first recess **22** is contoured providing a snap connection between the receiver **12** and the insertion pin **16**. The receiver **12** includes a support flange **15**. Note that the flange **15** is capable of coupling with the retainer mounted on the structure such that the receiver fits flat against the retainer, and is adjustably held and attachable in an XY-plane substantially perpendicularly in relation to the Z-translational direction.

Regarding claim 2, the connection element further comprises a locking device comprising a mechanical mechanism **32, 52, 54**.

Regarding claim 7, the retainer **21** includes a retention plate **21** and the support flange **15** is capable of being retained by the retention plate **21**.

Regarding claim 10, the locking device **32, 52, 54** includes an intermediate pin **54**. Note that that intermediate pin **54**, when inserted in the first recess contacts the insertion pin **16** such that the intermediate pin firmly clamps the support flange within the retainer.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krauss, DE-10,053,200.

Regarding claim 4, Krauss, as discussed, fails to disclose the insertion pin **16** having a screw thread. Applicant is reminded that changing the connection between the insertion pin and the holder is an obvious modification. In particular, it is well established to use a thread over teeth **32, 52** to provide adjustability. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to change the teeth **32, 52** with a thread to provide attachment to the holder by rotation.

Regarding claim 5, Krauss, as discussed, disclose an anchorage part **44** coupled to the insertion pin **16**. However, Krauss fails to disclose the anchorage part **44** having a screw thread. Applicant is reminded that changing the connection between the insertion pin and the anchorage part **44** is an obvious modification. In particular, it is well established to use a thread over teeth **32, 52** to provide adjustability or connection. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to change the teeth **32, 52** with a screw thread to provide attachment to the holder by rotation.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krauss, DE-10,053,200, in view of Bertram et al., 7,168,879.

Regarding claim 9, Krauss, as discussed, fails to disclose the soft material being an elastomer. Bertram et al. teach in column 1, lines 27-29, a soft material being made

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of an elastomer, i.e., rubber, as a female coupling part to perform vibrational compensating movements (col. 1, line 66 - col. 2, line 2). Therefore, as taught by Bertram et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the soft material being an elastomer to absorb vibrational movements.

Allowable Subject Matter

Claims 3, 6, and 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 3, the prior art of record does not disclose or suggest a connection element comprising, in conjunction with the features of claim 1, a receiver further comprises a second recess being disposed at a distance from the first recess in the Z-translation direction. The closest prior art, Krauss, DE-10,053,200, suggest one recess and there's no motivation to add an additional recess;

regarding claim 6, the prior art of record does not disclose or suggest a connection element comprising an insertion pin coupled with the anchorage part 44 by a

ball joint. Instead, Krauss, DE-10,053,200, suggest using a snap fit connection using cylindrical teeth; and,

regarding claim 8, the prior art of record does not disclose or suggest a connection element comprising, in conjunction with the features of claim 1, a U-shaped clamp. Krauss teaches no clamp and there is no motivation to include one.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30AM-6:00PM. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/E. G./

Examiner, Art Unit 3679

June 27, 2008

/Daniel P. Stodola/
Supervisory Patent Examiner, Art Unit 3679